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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,195	08/02/2005	Simon R. Turner	GB 030010	8356

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EXAMINER	
HUANG, WEN WU	

ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/544,195	TURNER, SIMON R.	
	Examiner	Art Unit	
	Wen W. Huang	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-11 and 13-18* is/are rejected.

7)☒ Claim(s) *6 and 12* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

Claims 6 and 12 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim *cannot depend from any other multiple dependent claim*. See MPEP § 608.01(n). Accordingly, the claims 6 and 12 have not been further treated on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 4, 7, 8, 10/8, 11, 13, 14, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshinobu (US. 5,896,555).

Regarding **claim 1**, Yoshinobu teaches a communication system (see Yoshinobu, fig. 1) comprising a receiver (see Yoshinobu, fig. 1, component 11) for receiving an audio signal (see Yoshinobu, col. 4, lines 10-15), said audio signal including an embedded telephone number (see Yoshinobu, col. 4, line 4), and an output device for outputting said embedded telephone number (see Yoshinobu, fig. 1, component 32; col. 4, lines 11-12).

Regarding **claim 4**, Yoshinobu also teaches a system according to claim 1, wherein said output device is an audio transmitter (see Yoshinobu, fig. 1, components 3 and 33; col. 4, lines 1-3).

Regarding **claim 7**, Yoshinobu teaches a communication method comprising receiving an audio signal (see Yoshinobu, fig. 1, component 11; col. 4, lines 10-15), said audio signal including an embedded telephone number (see Yoshinobu, col. 4, line 4), and outputting said embedded telephone number (see Yoshinobu, fig. 1, component 32; col. 4, lines 11-12).

Regarding **claim 8**, Yoshinobu also teaches a method according to claim 7, and further comprising retrieving said embedded telephone number from said audio signal (see Yoshinobu, fig. 1, component 31; col. 4, lines 10-12).

Regarding **claim 10/8**, Yoshinobu also teaches a method according to claim 8, and further comprising storing said embedded telephone number (see Yoshinobu, col. 4, line 13) and outputting said embedded telephone number on receipt of a predefined signal (see Yoshinobu, col. 5, lines 57-66).

Regarding **claim 11**, Yoshinobu also teaches a method according to claim 7, wherein said outputting comprises broadcasting said embedded telephone number from an audio transmitter (see Yoshinobu, fig. 1, components 3 and 33; col. 4, lines 1-3).

Regarding **claim 13**, Yoshinobu teaches a communication system comprising a multiplexer (see Yoshinobu, fig. 1A, component 7) for receiving an audio signal (see Yoshinobu, fig. 1A, component 6; col. 4, lines 9-10) and for embedding a telephone number in said audio signal (see Yoshinobu, fig. 1A, component 5; col. 4, lines 4 and 7-10), and a transmitter for transmitting said audio signal (see Yoshinobu, fig. 1A, component 4; col. 3, lines 60-61).

Regarding **claim 14**, Yoshinobu also teaches a system according to claim 13, said multiplexer for further receiving a video signal (see Yoshinobu, col. 3, line 56), and

said transmitter transmitting a digital television signal (see Yoshinobu, col. 2, lines 6-8), with said telephone number embedded in the audio potion of the broadcast signal (see Yoshinobu, col. 4, lines 7-10).

Regarding **claim 16**, Yoshinobu teaches a communication method comprising multiplexing (see Yoshinobu, fig. 1A, component 7) a received audio signal (see Yoshinobu, fig. 1A, component 6; col. 4, lines 9-10), embedding a telephone number in said audio signal (see Yoshinobu, fig. 1A, component 5; col. 4, lines 4 and 7-10), and transmitting said audio signal (see Yoshinobu, fig. 1A, component 4; col. 3, lines 60-61).

Regarding **claim 17**, Yoshinobu also teaches a method according to claim 16, and further comprising multiplexing a received video signal (see Yoshinobu, col. 3, line 56), and transmitting a digital television signal (see Yoshinobu, col. 2, lines 6-8), with said telephone number embedded in the audio potion of the broadcast signal (see Yoshinobu, col. 4, lines 7-10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 2, 5/2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu as applied to claims 1 and 7, respectively above, and further in view of Zilliacus (US PUB NO. 2004/0203374 A1).

Regarding **claim 2**, Yoshinobu teaches a system according to claim 1.

Yoshinobu is silent to teaching that wherein said output device is a short-range wireless transceiver. However, the claimed limitation is well known in the art as evidenced by Zilliacus.

In the same field of endeavor, Zilliacus teaches a communication system wherein said output device is a short-range wireless transceiver (see Zilliacus, fig. 1, component 125).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to replace the landline telephone connection of Yoshinobu (see Yoshinobu, fig. 1, components 3) with the wireless telephone connection of Zilliacus (see Zilliacus, fig. 1, component 125) in order to provide a back channel mechanisms for the Set Top Box (see Zilliacus, para. [0003]).

Regarding **claim 5/2**, the combination of Yoshinobu and Zilliacus also teaches a system according to claim 2, and further comprising a mobile device for receiving the embedded telephone number from the output device (see Zilliacus, fig. 1, component 127).

Regarding **claim 9**, Yoshinobu teaches a method according to claim 8.

Yoshinobu is silent to teaching that wherein said outputting comprises broadcasting said embedded telephone number from a short-range wireless transceiver. However, the claimed limitation is well known in the art as evidenced by Zilliacus.

In the same field of endeavor, Zilliacus teaches a communication system wherein said outputting comprises broadcasting said embedded telephone number from a short-range wireless transceiver (see Zilliacus, fig. 1, component 125).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to replace the landline telephone connection of Yoshinobu (see Yoshinobu, fig. 1, components 3) with the wireless telephone connection of Zilliacus (see Zilliacus, fig. 1, component 125) in order to provide a back channel mechanisms for the Set Top Box (see Zilliacus, para. [0003]).

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu and Zilliacus as applied to claim 2 above, and further in view of Drazin (US PUB NO. 2004/0148641 A1).

Regarding **claim 3**, the combination of Yoshinobu and Zilliacus also teaches a system according to claim 2.

The combination of Yoshinobu and Zilliacus is silent to teaching that wherein said receiver is a digital television receiver and said output device is a separate unit

connected to the SCART socket of the receiver. However, the claimed limitation is well known in the art as evidenced by Drazin.

In the same field of endeavor, Drazin teaches a communication system wherein said receiver is a digital television receiver (see Drazin, fig. 4, component 52) and said output device is a separate unit connected to the SCART socket of the receiver (see Drazin, fig. 4, component 50 and para. [0034]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Yoshinobu and Zilliacus with the teaching of Drazin in order to provide connection between the receiver and the output device.

4. Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu as applied to claims 13 and 16, respectively above, and further in view of Isenberg et al. (US. 5,570,295; hereinafter "Isenberg")

Regarding **claim 15**, Yoshinobu teaches a system according to claim 13 or claim 14.

Yoshinobu is silent to teaching that wherein said multiplexer embeds a plurality of telephone numbers within said audio signal. However, the claimed limitation is well known in the art as evidenced by Isenberg.

In the same field of endeavor, Isenberg teaches a system wherein said multiplexer embeds a plurality of telephone numbers within said audio signal (see Isenberg, fig. 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Yoshinobu with the teaching of Isenberg in order to eliminate the requirement that a viewer must record or memorize the telephone number (see Isenberg, col. 1, lines 45-47 and 51-52; col. 2, lines 10-12).

Regarding **claim 18**, Yoshinobu teaches a method according to claim 16 or 17.

Yoshinobu is silent to teaching that further comprising embedding a plurality of telephone numbers within said audio signal. However, the claimed limitation is well known in the art as evidenced by Isenberg.

In the same field of endeavor, Isenberg teaches a method comprising embedding a plurality of telephone numbers within said audio signal (see Isenberg, fig. 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Yoshinobu with the teaching of Isenberg in order to eliminate the requirement that a viewer must record or memorize the telephone number (see Isenberg, col. 1, lines 45-47 and 51-52; col. 2, lines 10-12).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen W. Huang whose telephone number is (571) 272-7852. The examiner can normally be reached on 10am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

wwh

7/24/06

Quochien B. Vuong 8/2/06

QUOCHIEN B. VUONG
PRIMARY EXAMINER